

1 FAM 240

OFFICE OF THE LEGAL ADVISER (L)

(CT:ORG-139; 06-15-2005)
(Office of Origin: L)

1 FAM 241 LEGAL ADVISER (L)

1 FAM 241.1 Responsibilities

(CT:ORG-139; 06-15-2005)

- a. Advises and represents the Secretary, and through the Secretary, the President and the bureaus and missions of the Department, on all legal and legal policy issues arising in connection with U.S. foreign policy and the work of the Department;
- b. Brings legal considerations to bear in formulating and carrying out U.S. foreign policy and in the administration of the Department and the Foreign Service;
- c. Reports directly to the Secretary of State;
- d. For administrative purposes, is treated as equivalent to an assistant secretary;
- e. Participates in international negotiations and represents the U.S. Government in international conferences related to legal issues;
- f. Represents the Department regarding legal concerns at interagency meetings, congressional hearings, and meetings of private organizations;
- g. Acts as the Department's point of contact with the Departments of Justice and Treasury with respect to sensitive law enforcement operations, prosecutions, and other individual cases that may affect the conduct of U.S. foreign policy;
- h. Represents the United States in litigation before international tribunals;
- i. Has lead responsibility on behalf of the Department for domestic litigation that involves the Department or its interests, coordinating the views of other Departments when necessary, and assisting the Justice Department in connection with such litigation;
- j. Serves as Chairman of the Department of State's Advisory Committee on International Law and the Secretary of State's Advisory Committee on Private International Law;

- k. Authorizes testimony of Department employees and production of Departmental records in response to legal process;
- l. Exercises general direction over attorney-advisers, other than those in the Office of Inspector General, who work-in bureaus other than the Legal Adviser's Office (e.g., CA, S); pursuant to Section 104(e) of the Immigration and Nationality Act, 8 U.S.C. 1104(e), provides general direction to the Director of the Visa Office's Office of Legislation, Regulations, and Advisory Assistance (CA/VO/L) through the Assistant Legal Adviser for Consular Affairs, who fulfills the responsibilities of General Counsel of the Visa Office provided for in 8 U.S.C. 1104(e); and
- m. Has substantive and coordinating responsibility for the following *Foreign Affairs Manual* (FAM) materials:
 - (1) 1 FAM 240—Office of the Legal Adviser;
 - (2) 2 FAM 210—Privileges and Immunities (Introduction and Immunities of U.S. Representatives and Establishments Abroad);
 - (3) 2 FAM 230—Privileges and Immunities (Immunities and Liabilities of Foreign Representatives in the U.S.);
 - (4) 2 FAM 240—Privileges and Immunities (Customs Privileges Accorded U.S. Representatives Abroad);
 - (5) 2 FAM 260—Privileges and Immunities (Tax Exemptions Accorded U.S. Representatives Abroad);
 - (6) 2 FAM 280—Privileges and Immunities (Claims Against the United States);
 - (7) 2 FAM 500—Legal Affairs (Service of Legal Process);
 - (8) 2 FAM 960—Official Gifts to the Department of State;
 - (9) 2 FAM 1130—Executive Orders, Proclamations and Other Presidential Documents;
 - (10) 2 FAM 1420—International Organizations Immunities;
 - (11) 3 FAM 4150—Compliance with the Financial Disclosure Requirements of the Ethics in Government Act of 1978;
 - (12) 5 FAM 480—Use of Copyrighted Material; and
 - (13) 11 FAM 700—Treaties and Other International Agreements.
- n. L also has substantive responsibilities in other areas of the FAM as applicable.

1 FAM 241.2 Organization

(CT:ORG-139; 06-15-2005)

An organization chart of L is found at Exhibit 241.2.

1 FAM 241.3 Authorities.

(CT:ORG-139; 06-15-2005)

Authorities for the Office of the Legal Adviser (L) are:

- a. 22 U.S.C. 2651a and 2656;
- b. 1 U.S.C. 112a and 112b (collection and transmission to Congress of international agreements);
- c. 5 U.S.C. Appendix 101-110 (Ethics in Government Act of 1978);
- d. 18 U.S.C. 3181, 3184 through 3188, 3193, and 3195 (international extradition);
- e. 22 U.S.C. 1972 (Fishermen's Protective Act);
- f. 22 U.S.C. 2660 (providing copies of treaties to the Public Printer);
- g. 22 U.S.C. 2669(b) and (f) (international and tort claims, respectively);
- h. 22 U.S.C. 2698 (procurement of legal services abroad);
- i. 22 U.S.C. 2710 (expenses of arbitration);
- j. 8 U.S.C. 1104(e) (supervision of the General Counsel of the Visa Office) and 1503 (Board of Appellate Review—L/BAR);
- k. 22 U.S.C. 2668a (claims payment), and
- l. Other authorities, as appropriate.

1 FAM 242 DEPUTY LEGAL ADVISERS

(CT:ORG-139; 06-15-2005)

- a. On behalf of the Legal Adviser, the Deputy Legal Advisers direct and carry out responsibilities concerning provision of legal advice and services and provide effective and coordinated supervision of the legal activities of the bureau.
- b. The Principal Deputy Legal Adviser also acts as the bureau's Chief Management official and chairs the Deputies' Committee. The Principal Deputy also serves as the Department's Designated Agency Ethics Official. In accordance with the Federal Vacancies Reform Act of 1998, the Principal Deputy serves as Acting Legal Adviser in the event that the

position of Legal Adviser is vacant.

1 FAM 243 COUNSELOR, INTERNATIONAL LAW

(CT:ORG-139; 06-15-2005)

- a. Assists the Legal Adviser in advising the Secretary and, through the Secretary, the President and the officers and bureaus of the Department, on the domestic and international law aspects of national policy, positions, and plans relating to international affairs;
- b. Acts as liaison officer for the Legal Adviser within the academic community, bar associations, and other institutions involved in the practice and development of international law;
- c. Provides specialized advice, conducts long-term studies, and directs complex and often politically sensitive projects as assigned by the Legal Adviser; and
- d. Responds to requests for advice from the deputies, assistant legal advisers, and other attorneys within the Office of the Legal Adviser.

1 FAM 244 EXECUTIVE DIRECTOR (L/EX)

(CT:ORG-139; 06-15-2005)

- a. Directs administrative management and support activities within the Office of the Legal Adviser, including program planning, administrative policy development, budget planning and control, financial management, personnel management and services, information systems management, general office services and property management, security, management analysis and evaluation, procurement and contracting, internal communications, record keeping, and paper work management;
- b. Serves as the internal control manager for the Office of the Legal Adviser and establishes and maintains internal management controls to prevent waste, fraud, abuse, and mismanagement of the bureau's resources. Periodically assesses the relative vulnerability of the bureau's internal control areas, conducts internal control reviews, and corrects identified problems;
- c. Supervises the Law Library, which is responsible for the development, selection, acquisition, and management of the bureau's legal collection, as well as the administration of legal research and cataloging services; and
- d. Accepts legal service on behalf of the Secretary of State and Department

of State officials in their official capacities.

1 FAM 245 GEOGRAPHIC ASSISTANT LEGAL ADVISERS

(CT:ORG-139; 06-15-2005)

The geographic legal offices:

1. Provide legal advice to their respective geographic bureaus;
2. Work closely with officers of the Department and other interested agencies within the foreign policy community; and
3. Provide both formal and informal legal advice on questions of international and domestic law, including the drafting and interpretation of international agreements, domestic statutes, executive orders, and other legal documents.

1 FAM 245.1 African Affairs (L/AF)

(CT:ORG-139; 06-15-2005)

Provides legal advice on matters relating to Sub-Saharan Africa.

1 FAM 245.2 East Asian and Pacific Affairs (L/EAP)

(CT:ORG-139; 06-15-2005)

Provides legal advice on matters relating to East Asia and the Pacific area.

1 FAM 245.3 European and Eurasian Affairs (L/EUR)

(CT:ORG-139; 06-15-2005)

Provides legal advice on matters relating to Europe and Eurasia, including the independent states of the former Soviet Union.

1 FAM 245.4 Near Eastern and South Asian Affairs (L/NESA)

(CT:ORG-139; 06-15-2005)

Provides legal advice on matters relating to the Near East, North Africa, and South Asia.

1 FAM 245.5 Western Hemisphere Affairs (L/WHA)

(CT:ORG-139; 06-15-2005)

Provides legal advice on U.S. relations with other countries in the Western Hemisphere and U.S. participation in the Organization of American States.

1 FAM 246 FUNCTIONAL ASSISTANT LEGAL ADVISERS

(CT:ORG-139; 06-15-2005)

The functional legal offices provide legal advice to the various functional bureaus, other officers and bureaus of the Department, and other government entities on matters within their special competence.

1 FAM 246.1 Arms Control and Verification (L/ACV)

(CT:ORG-139; 06-15-2005)

Provides legal guidance and assistance to the Department, and primarily the Bureau of Arms Control and Bureau of Verification and Compliance, on negotiation, interpretation, and implementation of arms control agreements and initiatives including: START, INF, Moscow Treaty; Conventional Forces in Europe, Vienna Document 1999, Open Skies Treaty; the Chemical Weapons Convention and the Biological Weapons Convention; agreements on transfers of landmines; the nuclear test-ban treaties; and agreements to protect and dispose of plutonium and other fissile materials.

1 FAM 246.2 Buildings and Acquisitions (L/BA)

(CT:ORG-139; 06-15-2005)

Provides legal advice and representation in:

1. Solicitation, award, and administration of Federal acquisition contracts;
2. Acquisition, development, and disposition of real property abroad and domestically;
3. Negotiation and mediation of contract claims and agency bid protests;
4. Direct representation in contract appeals before the General Services Board of Contract Appeals and bid protests to the General Accounting Office; and coordination with the Department of Justice representation in acquisition matters in Federal and foreign courts;

5. Management of Government property domestically and abroad;
6. Drafting and interpretation of Federal acquisition laws, regulations, and policies;
7. Oversight and administration of employee associations and American schools at posts abroad; and
8. Grant and cooperative agreement law, regulations, policies, and administration.

1 FAM 246.3 Consular Affairs (L/CA)

(CT:ORG-139; 06-15-2005)

- a. Provides legal advice and supports interagency efforts and international negotiations concerning visas; immigration, parole, citizenship, and passport issues; the protection of and provision of benefits and services to U.S. citizens abroad; international children's issues; international judicial assistance; and the performance of other consular functions by U.S. consular officers or U.S. protecting powers abroad;
- b. Provides general legal advice on the performance of consular functions by foreign consular officers in the United States and on U.S. obligations relating to the performance of such functions;
- c. Handles international, foreign, and domestic litigation and witness requests relating to the performance of consular functions; and
- d. Provides legal advice regarding consular fees, disclosure of visa and consular information, and other management issues relevant to the operations of the Bureau of Consular Affairs.

1 FAM 246.4 Diplomatic Law and Litigation(L/DL)

(CT:ORG-139; 06-15-2005)

Provides legal advice and assistance with respect to issues involving diplomatic law to the Office of the Foreign Missions, the Office of Protocol, and other officers, agencies, and departments as required, operationally and in domestic and foreign litigation. Substantive responsibilities relate particularly to the following areas:

1. Interpretation and application of international agreements and domestic statutes pertaining to U.S. and foreign diplomatic and consular missions and personnel, including the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the Diplomatic Relations Act, and the Foreign Missions Act;
2. Legal issues concerning the status, privileges, and immunities of

- international organizations, their personnel, and missions of states members in the United States under the International Organizations Immunities Act and relevant headquarters agreements;
3. Legal issues relating to immunity of foreign states and governmental officials in the United States, including interpretation and application of the Foreign Sovereign Immunities Act;
 4. Legal issues relating to immunity of the U.S. Government and its personnel abroad, including in the context of litigation;
 5. Legal issues relating to head of state immunity; and
 6. Related legal issues and projects arising in the context of civil litigation, for example under the Alien Tort Statute.

1 FAM 246.5 Economic and Business Affairs (L/EB)

(CT:ORG-139; 06-15-2005)

- a. Provides legal advice on all aspects of international economic policy, including economic sanctions, export and import controls, terrorism finance, international trade and trade agreements, antitrust, civil aviation, maritime, energy, investment protection (including under bilateral investment and Friendship, Commerce, and Navigation treaties and, with L/CID, expropriation matters), international telecommunications and information policy, tax, monetary affairs, debt, intellectual property, and U.S. Government guarantee and insurance programs; and
- b. Is responsible for the issue of extraterritorial application of U.S. laws insofar as those laws have an economic dimension.

1 FAM 246.6 Employment Law (L/EMP)

(CT:ORG-139; 06-15-2005)

- a. Advises Department officials on issues involving the Foreign Service Act, Title VII of the Civil Rights Act, the Rehabilitation Act, the Ethics in Government Act of 1978, the Hatch Act, the Civil Service authorities in Title V of the United States Code, and other laws, Executive Orders, and regulations;
- b. Provides legal advice and services to the Director General of the Foreign Service and Director of Personnel, and others involved in the management of the Department's human resources and labor relations matters;
- c. Advises the Director of Medical Services on a range of legal issues, including medical clearances, disability and reasonable accommodation, and access to health units or medical services;

- d. Conducts litigation, including representation of the Department at administrative hearings, before the Equal Employment Opportunity Commission, the Merit Systems Protection Board, labor arbitrators, and the Foreign Service Grievance Board, and supports USG efforts in personnel litigation in Federal courts; and
- e. Directs and carries out the financial disclosure reporting and review program as required by the Ethics in Government Act of 1978, Executive Orders and regulations, and other applicable laws.

1 FAM 246.7 Human Rights and Refugees (L/HRR)

(CT:ORG-139; 06-15-2005)

Provides legal advice to the Department on human rights and refugee matters in foreign affairs, in both bilateral and multilateral contexts, including promotion of democracy and rule of law programs, worker rights and international labor issues, asylum, migration, and population issues; negotiation and ratification of human rights treaties; and interpretation and application of domestic laws related to human rights and refugees.

1 FAM 246.8 International Claims and Investment Disputes (L/CID)

(CT:ORG-139; 06-15-2005)

Provides legal advice and representation, and coordinates activities within and outside the Department, with respect to all aspects of international claims and investment disputes, including:

1. Claims under international law by the United States and U.S. nationals against foreign governments, and by foreign governments and foreign nationals against the United States, from inception through settlement, including questions of domestic and international law and standards of compensation; expropriation; other international property and investment disputes; claims for denial of justice, war damage, mob violence, wrongful death, personal injury, expulsion, and imprisonment; espousal of claims, negotiation of lump sum settlements, and presentation of claims before dispute settlement bodies; and tort claims, domestic law, and litigation relating to all the foregoing;
2. Claims pending before the Iran-United States Claims Tribunal in The Hague and claims against Iraq before the United Nations Compensation Commission in Geneva; policies pertaining to, and legal positions taken before, the Tribunal and the Commission; and associated litigation in the United States;

3. Claims under the investment chapter of the North American Free Trade Agreement (Chapter Eleven), including representation of the United States in claims by Canadian and Mexican investors and presentation of U.S. views on issues of treaty interpretation in claims against Canada and Mexico;
4. Claims against foreign states of the Overseas Private Investment Corporation under the dispute provisions of bilateral investment guarantee and investment incentive agreements;
5. Claims against the United States, and state-to-state claims against foreign states for espousable claims, under the dispute provisions of bilateral and other investment agreements and the investment provisions of free trade agreements;
6. Promotion of international investment dispute settlement machinery and related issues in bilateral or multilateral fora; development of claims resolution processes to assist efforts to resolve disputes between third countries and nationals; assistance in drafting investment and investor-State provisions in free trade agreements and, bilateral, and other investment agreements; and participation in interagency investment-related policymaking fora; and
7. Coordination of activities within the Department, with other agencies, and with Congress regarding compensation for acts of international terrorism, including assistance with litigation in U.S. courts involving the attachment of diplomatic and non-diplomatic blocked property.

1 FAM 246.9 Law Enforcement and Intelligence (L/LEI)

(CT:ORG-139; 06-15-2005)

- a. Provides legal advice and services on international aspects of law enforcement matters, including the international extradition of fugitives, legal assistance in the administration of justice in criminal matters, international anti-corruption enforcement ,and international counter-terrorism efforts;
- b. Negotiates bilateral extradition and mutual legal assistance treaties and multilateral terrorism and law enforcement treaties, including on corruption, organized crime, cybercrime, and trafficking in persons; and
- c. Provides legal advice to the Bureau of Intelligence and Research on domestic and international legal aspects of intelligence matters, including coordination with appropriate agencies in connection with legislation, regulations, and litigation concerning intelligence activities. Provides legal advice to Department policy bureaus on international anti-narcotics,

anti-terrorism, corruption, and trafficking in persons issues, and to the Bureau of Diplomatic Security on law enforcement issues.

1 FAM 246.10 Legislation and General Management (L/LM)

(CT:ORG-139; 06-15-2005)

- a. Provides legal advice to the Bureau of Diplomatic Security, the Bureau of Resources Management, and the Bureau of Information Resources Management, and other officers and bureaus in the Department on matters relating to the responsibilities of these bureaus, including law enforcement and protection authorities and responsibilities, fiscal and appropriations law, the General Accounting Office, the Federal Advisory Committee Act, and eGovernment requirements;
- b. Provides legal advice to the Bureau of Administration, the Bureau of Human Resources, and other officers and bureaus in the Department on matters relating to travel and allowances, evacuations, authentications, directives, regulations, the Federal Records Act, the Paperwork Reduction Act, the Freedom of Information Act, the Privacy Act, classification and release of documents, and other information law;
- c. Provides legal advice to the Bureau of Legislative Affairs and other officers and bureaus in the Department on matters relating to appropriations and authorization legislation and other legislative initiatives regarding Department of State funding and Department of State and Chief of Mission authorities;
- d. Provides legal advice to officers and bureaus in the Department on other general management and administrative questions, not including personnel, procurement, buildings, or ethics;
- e. Coordinates and prepares the Department of State's submission to the Unified Agenda for regulatory initiatives; and
- f. Working with the Bureau of Resources Management, provides legal advice and overall direction for the garnishment program for Department and other foreign affairs agency employees and retirees.

1 FAM 246.11 Nonproliferation (L/NP)

(CT:ORG-139; 06-15-2005)

- a. Provides legal advice and assistance as required by the Bureau of Nonproliferation Affairs and other bureaus in the Department on matters relating to:
 - (1) Nuclear energy and technology, nuclear policy and operations,

peaceful international nuclear cooperation, nuclear export activities, nuclear nonproliferation sanctions and initiatives, and military applications of nuclear energy, including implementation of the Nuclear Non-Proliferation Act of 1978 and the Atomic Energy Act of 1954, as amended;

- (2) Nonproliferation issues related to missiles and chemical and biological weapons, including implementation of sanctions laws and export control laws, negotiation and implementation of technology safeguards agreements in connection with satellites and space-launch vehicles, and issues related to remote sensing;
 - (3) Implementation of sanctions provisions related to lethal military equipment transfers to terrorism-list countries;
 - (4) Interpretation, implementation, and strengthening of the Nuclear Non-Proliferation Treaty, the four principal multilateral export control regimes, the Statute and safeguards agreements of the International Atomic Energy Agency, nuclear weapons-free zones, and other international initiatives to curb proliferation;
 - (5) Formulation of U.S. response to proliferation activities by countries of proliferation concern; and
 - (6) Establishment, funding, and implementation of proliferation-related assistance programs and agreements, including those related to the Nonproliferation and Disarmament Fund, science centers, export controls and border security, and weapons program dismantlement.
- b. Assists in drafting laws, regulations, procedures, and agreements related to the foregoing areas of practice.

1 FAM 246.12 Oceans, International Environmental and Scientific Affairs (L/OES)

(CT:ORG-139; 06-15-2005)

Provides legal advice and assistance to the Bureau of Oceans and International Environmental and Scientific Affairs and other U.S. Government agencies concerning the development, negotiation, interpretation, and application of customary and conventional international law, as well as domestic law, relating to:

1. Oceans, including the law of the sea, fisheries, maritime boundaries, marine pollution, marine mammals, deep seabed mining, maritime drug interdiction, marine scientific research, navigation and overflight freedoms, and baselines;
2. The environment and conservation, including marine pollution, trans-boundary air pollution, climate change, biodiversity,

- stratospheric ozone depletion, biotechnology, desertification, forests, wetlands, energy efficiency, transboundary pollution, hazardous wastes, trade and environment, environmental impact assessment, endangered species, protected marine species, the UN Commission on Sustainable Development, war and the environment, liability for environmental damage, and financial assistance to developing countries;
3. Scientific and technological affairs, including technology transfer and intellectual property rights;
 4. Outer space, including the Space Station agreements; and
 5. Polar affairs, including all matters related to the Antarctic Treaty system.

1 FAM 246.13 Political-Military Affairs (L/PM)

(CT:ORG-139; 06-15-2005)

- a. Provides legal advice and assistance to the Bureau of Political-Military Affairs, others in the Department, and other agencies on matters relating to:
 - (1) Global military and political-military activities, including use of force, base rights and status of forces agreements, foreign military claims, and suits against U.S. armed forces;
 - (2) Foreign military assistance, including technical assistance, foreign military sales, and security assistance;
 - (3) Military applications of space technology;
 - (4) Munitions export control and naval vessel loans program;
 - (5) Disarmament;
 - (6) U.S. and foreign government aircraft, vessels, and nuclear-powered warships; and
 - (7) Laws of war including Geneva Red Cross Conventions, Hague Conventions and Rules, and the Convention on Conventional Weapons.
- b. Assists in drafting related laws, regulations, procedures, and agreements; and assists in providing the Department with budgetary input to Congress relating to the above areas.

1 FAM 246.14 Private International Law (L/PIL)

(CT:ORG-139; 06-15-2005)

- a. Provides legal advice and representation, and coordinates activities within and outside the Department, concerning the development and implementation of private international law, including:
 - (1) U.S. participation in the activities of the UN Commission on International Trade Law, the Hague Conference on Private International Law, the International Institute for the Unification of Private Law, and the private international law activities of the Organization of American States;
 - (2) U.S. participation in bilateral and multilateral intergovernmental treaty negotiations and other international activities to unify and harmonize private international law; and
 - (3) Department efforts within the executive branch and vis-à-vis the Congress and the U.S. academic and legal communities concerning U.S. ratification of private international law conventions and treaties, enactment of implementing legislation, and establishment of procedures for implementation.
- b. Serves as Vice-Chairman and Executive Director of the Secretary of State's Advisory Committee on Private International Law.

1 FAM 246.15 Public Diplomacy and Public Affairs (L/PD)

(CT:ORG-139; 06-15-2005)

- a. Provides legal advice on international educational, cultural, and information exchanges and activities conducted pursuant to the Mutual Educational and Cultural Exchange Act of 1961, as amended ("Fulbright-Hays"), the United States Information and Educational Exchange Act of 1948 ("Smith-Mundt"), and other legislation. Substantive areas include the Exchange Visitor Program, international exchange agreements, world fairs, restrictions on domestic dissemination of program materials prepared for distribution abroad, and international broadcasting;
- b. Provides legal advice on cultural property issues and immunity from judicial seizure, pursuant to the Convention on Cultural Property Implementation Act and the immunity from judicial seizure statute, respectively;
- c. Provides legal advice on issues dealing with informing and influencing the international public about U.S. policy and American society;

- d. Provides legal advice on issues dealing with the overall public communication strategies of the Department, including the preparation of materials for public release in the United States, and related press, copyright, and rights clearance issues; and
- e. Handles certain other public diplomacy issues, including residual problems of World War II involving enemy assets, looted objects, and cultural and artistic property.

1 FAM 246.16 Treaty Affairs (L/T)

(CT:ORG-139; 06-15-2005)

Provides legal advice on all aspects of treaty law and procedure, including constitutional questions, drafting, negotiation, conclusion, interpretation, and termination of treaties; and provides notice to Congress regarding international executive agreements entered into by the United States (pursuant to the Case-Zablocki Act).

1 FAM 246.17 United Nations Affairs (L/UNA)

(CT:ORG-139; 06-15-2005)

Provides legal advice on issues arising from U.S. participation in the United Nations system and in international conferences, such as those concerned with outer space, development of international law, dependent territories, pacific settlement of disputes, peacekeeping, and privileges and immunities. Substantive areas of responsibility include issues related to UN sanctions, UN peacekeeping, UN financing, the International Criminal Court, the International Court of Justice (including representation of the United States in cases before the Court), issues coming before the Sixth (Legal) Committee of the United Nations General Assembly, issues coming before the International Law Commission, representation of the United States and other entities in international organizations, the status of the United States as host country for the United Nations and other international organizations, and the Advisory Committee on International Law.

1 FAM 247 BOARD OF APPELLATE REVIEW (L/BAR)

1 FAM 247.1 Purpose

(CT:ORG-139; 06-15-2005)

- a. A Board of Appellate Review (L/BAR), exists in the Office of the Legal Adviser to consider and determine appeals within its jurisdiction (see

2 FAM 247.3). The Board, a quasi-judicial and autonomous body, takes any action it considers appropriate and necessary as to the disposition of the cases appealed to it. The merits of appeals or decisions of the Board are not subject to review by the Legal Adviser or any other Department official.

- b. The Board may adopt and promulgate rules of procedure approved by the Secretary of State as may be necessary to govern its proceedings.

1 FAM 247.2 Membership

(CT:ORG-139; 06-15-2005)

The Board consists of regular and ad hoc members as the Legal Adviser may designate. Regular members, one of whom shall be designated by the Legal Adviser as Chairperson, serve on a full-time basis. Ad hoc members may be designated from among senior officers of the Department or from among persons not employed by the Department. Regular members and ad hoc members shall be attorneys in good standing admitted to practice in any State of the United States, the District of Columbia, or any territory or possession of the United States.

1 FAM 247.3 Board Jurisdiction

(CT:ORG-139; 06-15-2005)

The jurisdiction of the Board includes appeals from decisions in the cases that follow.

1 FAM 247.3-1 Nationality Cases

(CT:ORG-139; 06-15-2005)

Appeals from administrative determinations of loss of nationality or expatriation under 22 CFR Part 50, Subpart C of the Departmental Regulations published in the Code of Federal Regulations.

1 FAM 247.3-2 Other Matters

(CT:ORG-139; 06-15-2005)

Appeals from administrative decisions of the Department of State in such other cases and under such terms of reference as the Secretary of State may authorize.

1 FAM 248 THROUGH 249 UNASSIGNED

1 FAM EXHIBIT 241.2

OFFICE OF THE LEGAL ADVISER (L)

(CT:ORG-139; 06-15-2005)

